

Remarks/Arguments

In the Office Action dated December 6, 2007, it is noted that claims 1-10 are pending; that claims 1-10 stand rejected under 35 U.S.C. §102(b); that the drawings filed on July 21, 2005 have been accepted; that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged; and that all certified copies of the priority documents have been received.

By this response, dependent claims 1-5 and 7-10 have been amended to include editorial changes. The leading indefinite article in each claim has been replaced by a definite article. The present amendments to all the claims are believed to be proper and justified. No new matter has been added.

Cited Art

The following reference has been cited and applied against the claims: U.S. Patent 5,991,426 to Cox et al. (hereinafter referenced as “Cox”).

Rejection of Claims 1-10 under 35 U.S.C. §102

Claims 1-10 stand rejected under 35 U.S.C. §102 as being anticipated by Cox. This rejection is respectfully traversed.

Claim 1 calls, in part, for:

determining a global property of the first and the second image area;
modifying said image to increase the global property of its first area and decrease the global property of its second area for embedding the first value of a watermark sample into said image, and to decrease the global property of its first area and increase the global property of its second area for embedding the second value of said watermark sample into said image.

Among other things, Cox fails to teach, show, or suggest the feature of determining a global property of the first and the second image area, as recited in claim 1. With respect to watermark insertion, Cox incorporates by reference three patent applications, now all patented, for the purpose of teaching various watermark insertion techniques. Similar to the Cox reference itself, none of the incorporated references even remotely suggests the Applicants’ feature of determining a global property.

The present Office Action provides no citation from Cox or the incorporated references in Cox to support the anticipation rejection as it pertains to the determining feature as claimed. Instead, the present Office Action provides a statement without citable support that, “embedding

the watermark affects the brightness or luminance of the area.” Without showing the origin of such a teaching inside the four corners of the Cox reference, it is respectfully submitted that a *prima facie* case of anticipation has not been made. If the Examiner is relying on personal knowledge the applicants request an affidavit defining the personal knowledge.

Cox also fails to teach, show, or suggest the modifying feature in claim 1. Since neither Cox nor any of the three incorporated references even remotely suggest the determination of the global property in an image area, it is to be expected that Cox would not suggest the modification of the image area as an increase or decrease of the global property for that image area, as defined in Applicants’ claim 1.

For at least the reasons set forth above, it is submitted that Cox does not teach, show, or suggest all the limitations of Applicants’ claim 1. Since claim 6 includes apparatus limitations substantially similar to those found in claim 1, it is also submitted that Cox does not teach, show, or suggest all the elements of Applicants’ claim 6.

Cox does not teach, show, or suggest the global property being the mean luminance value of the image area in Applicants’ claim 2, which is dependent from claim 1. The present Office Action identifies Figure 6 in the rejection of claim 2. But Figure 6 represents a watermark extractor in contrast to the watermark insertion defined in claim 2. Also, while the description of Figure 6 in col. 7 of Cox indicates that pixel intensities are available for the input baseband fully decoded video signal, it is noted that there is no indication that the pixel intensities represent the mean luminance value of the image area as defined by Applicants. Instead, the pixel intensity described by Cox is the local intensity of an individual pixel, that is, each intensity is associated with a particular pixel and not with the global property of the image area. Cox does not describe or suggest the concept of a mean luminance value for an image area. For the reasons set forth above and with respect to independent base claim 1, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants’ claim 2.

Cox does not teach, show, or suggest the modification of consecutive images with the same watermark sample defined in Applicants’ claim 3, dependent from claim 1. Rather, Cox clearly operates on the odd and even field of an image, not a series of consecutive images. *See Cox at col. 4, lines 37-39 and col. 6, lines 31-35.* For at least the reasons set forth above and with respect to independent base claim 1, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants’ claim 3.

Cox does not teach, show, or suggest the image areas being upper and lower halves or left and right halves in Applicants' claims 4 and 5, respectively, which are separately dependent from claim 1. Rather, Cox clearly operates on two separate image fields, wherein one field includes all the even rows of the image and the other field includes all the odd rows of the same image. This occurs in Cox whether an image is presented as a frame based video or as interlaced video. *See Cox at col. 4, lines 55-59 and col. 6, line 67 through col. 7, line 1.* Nowhere does Cox even remotely suggest that an image is divided into left and right halves or into upper and lower halves. For the reasons set forth above and with respect to independent base claim 1, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants' claims 4 and 5.

In view of these remarks and in light of the substantial similarity between the limitations in independent claims 1 and 6, it is believed that the elements of claims 1 and 6 and the claims dependent thereon would not have been anticipated by, or obvious to, a person of ordinary skill in the art upon a reading of Cox. Therefore, it is submitted that claims 1-6 are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Claim 7 calls, in part, for determining a global property of the first and the second image area substantially similar to the limitation defined in claim 1 and computing and correlating features, both of which are performed over a series of images involving the global property determined for the image areas. In the remarks above with respect to claims 1, 2, and 3, it has been explained that Cox does not include any teachings about determining a global property for each image area or for using a series of images to embed or detect a watermark. For the reasons set forth above with respect to claims 1, 2, and 3, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants' claim 7.

Claim 8 includes a limitation substantially similar to the limitation found in claim 2. For the reasons set forth above with respect to claim 2, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants' claim 8.

Claims 9 and 10 depend ultimately from claim 7 and include all the limitations thereof. For the reasons set forth above with respect to claim 7, it is submitted that Cox does not teach, show, or suggest all the elements of Applicants' claims 9 and 10.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/

By: Brian S. Myers
Registration No.: 46,947
For: Larry Liberchuk
Registration No.: 40,352

Mail all correspondence to:

Larry Liberchuk, Reg. No. 40,352
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615

April 3, 2008